

Serial No.: 10/511,168
Atty. Docket No.: P70187US0

REMARKS

The Office Action mailed December 20, 2007, has been carefully reviewed and, to facilitate prosecution, Applicant requested a personal interview which was conducted by Examiner Hand May 14, 2008. Applicant was represented by Suzin Bailey. Applicant sincerely thanks Examiner Hand for her time and cordiality in conducting the interview.

During the interview, U.S. Patent No. 6,849,066 to Ciok et al. ("Ciok") was discussed, and Applicant presented a product prototype having a collecting bag with tubular inner film elements in accordance with the claimed invention. The structural features and benefits of the tubular inner film elements as demonstrated were discussed in conjunction with Figure 3 of the specification which illustrates the multiple layers of the the inner film elements as separate from the bag member film blanks and within the fluid retaining area of the bag.

Now responding to the Office Action mailed December 20, 2007, by this Amendment Applicant has amended claims 1 and 14. Claims 1-21 remain pending in the application; claims 1 and 14 are independent.

The Examiner rejected claims 14 and 20 under 35 U.S.C. 102(b) as being anticipated by Ciok. Under 35 U.S.C. 103(a), the

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Examiner rejected claims 1-7, 10-13, 15-17 and 21 as being unpatentable over Ciok, rejected claims 8 and 18 as being unpatentable over Ciok in view of U.S. Patent No. 4,790,834 to Austin, rejected claims 9 and 19 as being unpatentable over Ciok in view of Austin and further in view of any of U.S. Patent No. 6,206,864 to Kavanagh et al., U.S. Patent No. 5,403,299 to Schneider, and U.S. Patent No. 4,213,458 to Nolan et al.

As clarified in claims 1 and 14 as amended herein, the present invention is directed to a collecting bag having a bag member with at least two outer film blanks joined at their edges and defining the outer contours of the bag member and the fluid-retaining area thereof. A discharge portion is located in the lower portion of the bag member and has a closure device for bringing the bag from a discharge position, in which the bag is open, to a position of use, in which the bag is closed. An accommodating element having an opening is provided within the outer contours of the bag member for accommodating at least a part of the discharge portion in the in-use position of the bag.

As separate elements from the bag member, the collecting bag further includes first and second substantially tubular inner film elements which are positioned within the fluid-retaining area of the bag member. These tubular inner film elements are attached

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to the inner side of each outer film blank by at least one joint, and are respectively situated on each side of a dividing line substantially parallel with the longitudinal direction defined by the discharge portion. Because the inner film elements are tubular in shape, when the bag is substantially empty the tubes can be flattened resulting in each tubular element having a distal fold or crease and a proximal fold or crease with respect to this dividing line.

Securing the tubular elements to the outer film blanks of the bag member is a first joint between the first inner film element and one of the outer film blanks and a second joint between the second inner film element and the same outer film blank. Each joint respectively includes at least one proximal joint section at or near the proximal fold and at least one distal joint section at or near the distal fold. For each of these first and second joints, the distance between the lower part of the proximal joint section and the proximal fold is smaller than the distance between the lower part of the distal joint section and the distal fold. With this structure, when the tubular film elements are filled with fluid, a recessed space is created between the proximal joint sections in the lower portion of the bag adjacent the discharge

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sections in the lower portion of the bag adjacent the discharge portion that is able to fully accommodate the closure device when in the in-use position.

Ciok discloses a collecting bag formed by front and rear film blanks with joined edges and having a discharge portion that is closed by a closure device. Like the present invention, Ciok also forms a recessed space or "open receptacle" that accommodates the closure device when the bag is in use so that the closure device does not protrude outside the arched plane defined by the remaining portions of the front film blank. However, unlike the present invention, Ciok produces this open receptacle by *directly attaching the front and rear film blanks together* along a basis periphery 9a to form a basis portion 9 (see column 3, lines 34-39). As a result, and as discussed in the present specification on page 2, lines 28 to page 3, line 21, and during the interview, the volume available for body wastes is reduced due to the size of the basis portion and the fact that the distance between the film blanks cannot be increased because they are directly connected to one another.

With the present invention, by contrast, separate structures are provided within the fluid retaining area of the bag member in the form of the tubular inner film elements. Each of the

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tubular inner film elements is attached to the inner surface of each of the bag member film blanks but, because of the tubular shape of the elements, the bag is not prevented from expanding through increased separation of the outer film blanks as the bag is filled and the previously flattened inner film elements become three-dimensionally tubular. Hence, a greater collecting volume is maintained while, at the same time, the shape of the bag is controlled to produce the desired recess area that receives the closure device to reduce the bulkiness of the collecting bag and enhance the wearer's discretion. This inclusion of separate tubular inner film elements within the bag member as claimed is not shown or suggested by Ciok. Favorable reconsideration and allowance of claims 1 and 14 is requested.

Claims 2-13 and 15-21 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

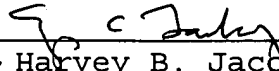
With this Amendment, it is respectfully submitted that the present application is in condition for allowance. Favorable reconsideration and allowance of the pending claims is requested.

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Should the Examiner have any questions or comments, she is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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